

# Order

**Michigan Supreme Court  
Lansing, Michigan**

November 17, 2006

Clifford W. Taylor,  
Chief Justice

131439-40

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

AUTO CLUB GROUP INSURANCE  
COMPANY,  
Plaintiff-Appellee,

v

SC: 131439  
COA: 258240  
Saginaw CC: 03-049653-CZ

CHRISTOPHER MICHAEL BUERKEL,  
KAREN BOSHA-WEAVER and AMIE  
R. SMITH,  
Defendants-Appellees,

and

STATE LANES, INC.,  
Defendant-Appellant.

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AMIE R. SMITH,  
Plaintiff,

v

SC: 131440  
COA: 260775  
Saginaw CC: 03-047815-NI

CHRISTOPHER MICHAEL BUERKEL,  
Defendant/Cross-Defendant,

and

KAREN LYNN BOSHAW-WEAVER,  
Defendant-Appellee,

and

STATE LANES, INC.,  
Defendant/Cross-Plaintiff-  
Appellant.

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On order of the Court, the application for leave to appeal the March 21, 2006 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other peremptory action. MCR 7.302(G)(1). The parties shall submit supplemental briefs within 35 days of the date of this order addressing whether the Court of Appeals analysis of MCL 257.401(1) paid adequate attention to the statute's provision that "[t]he owner is not liable unless the motor vehicle is being driven with his or her express or implied consent or knowledge" (emphasis added), and whether the motor vehicle at issue in this case was being driven with the owner's "express or implied consent or knowledge." The parties should avoid submitting a mere restatement of the arguments made in their application papers.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

November 17, 2006

A handwritten signature in cursive script that reads "Corbin R. Davis".

Clerk